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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 RAMON SANTOYO-CRISTOBAL (4),  
14 Defendant.

Case No.: 16-cr-1896-DMS

**ORDER DENYING DEFENDANT'S  
MOTION TO REDUCE SENTENCE**

15 Pending before the Court is Defendant's motion to reduce sentence pursuant to  
16 18 U.S.C. § 3582(c)(2) and U.S.S.G. Amendment 821 (2023),<sup>1</sup> (Motion, ECF No. 236).  
17 The U.S. Attorney's office filed a response in opposition. (ECF No. 242). The Court finds  
18 that Defendant does not qualify for a sentence modification under U.S.S.G. § 4C1.1 and  
19 denies his Motion.

20 Section 3582(c)(2) provides:

21 [I]n the case of a defendant who has been sentenced to a term of imprisonment  
22 based on a sentencing range that has subsequently been lowered by the  
23 Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the  
24 defendant or the Director of the Bureau of Prisons, or on its own motion, the  
25 court may reduce the term of imprisonment, after considering the factors set  
26 forth in section 3553(a) to the extent that they are applicable, if such a  
reduction is consistent with applicable policy statements issued by the  
Sentencing Commission.


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28 <sup>1</sup> Defendant's motion is based on U.S.S.G. § 4C1.1. (Motion, at 2).

18 U.S.C. § 3582(c)(2). “Section 3582(c)(2) allows modification of a term of imprisonment when: (1) the sentence is based on a sentencing range that has subsequently been lowered by the Sentencing Commission; and (2) such reduction is consistent with applicable policy statements issued by the Sentencing Commission.” *United States v. Waters*, 771 F.3d 679, 680 (9th Cir. 2014) (per curiam).

A defendant may have his sentence reduced under U.S.S.G. § 4C1.1 if he meets all the criteria set forth in U.S.S.G. § 4C1.1(a)(1)-(11). Most relevant to Defendant’s motion is § 4C1.1(a)(10)—which disqualifies Defendant from relief if he “receive[d] an adjustment under § 3B1.1 (Aggravating Role).” U.S.S.G. § 4C1.1(a)(10). When sentencing Defendant Santoyo-Cristobal, the Court, at the joint recommendation of the parties, applied a 2-point upwards adjustment for aggravating role under § 3B1.1. *See* ECF No. 215 ¶ 104; ECF No. 220-1; ECF No. 223 at 2; ECF No. 232. Thus, the Court cannot reduce Defendant’s sentence under U.S.S.G. § 4C1.1. Accordingly, the Court **DENIES** Defendant’s motion.

**IT IS SO ORDERED.**

Dated: February 19, 2025



Hon. Dana M. Sabraw  
United States District Judge